

REMARKS

In the Office Action mailed December 8, 2003, the Examiner objected to the specification, in particular alleging that the title was not descriptive and that certain reference numerals referred to multiple elements. Office Action, pg. 2. The Examiner also objected to the drawings for failing to "show every feature of the invention specified in the claims." Office Action, pg. 2. The Examiner rejected claims 98-113, 129-131, 135, and 167-175 under 35 U.S.C. § 112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Office Action, pg. 2. The Examiner also indicated that claims 98-113, 129-131, 135, and 167-175 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 98-113, 129-131, 135, and 167-175.

By this Amendment, Applicants have amended claims 98, 100, 102, 129, 167-169, 173, and 174 and the specification to more appropriately define the present invention and to correct minor typographical errors. Applicants have cancelled claims 114-128, 132-134, 136-166, and 176-194 as being drawn to a non-elected invention without prejudice or disclaimer of the subject matter contained therein.

OBJECTIONS TO THE SPECIFICATION

Applicants have amended the specification to correct minor typographical errors and to overcome the objection by the Examiner. Accordingly, Applicants respectfully request the Examiner to withdraw the objection of the specification.

OBJECTIONS TO THE DRAWINGS

Applicants have amended claims 98, 100, 102, 129, 167-169, 173, and 174 to more appropriately define the present invention and, *inter alia*, to overcome the objection of the drawings. The Examiner indicated that the following elements must be shown or canceled from the claims: tool body, a respective displacement device, body fluid pressure transmission means, and head fluid transmission means. Applicants have amended "body" and/or "tool body" to "housing," as shown in claims 167-169 and 173-174, support for which can be found, for example, in Figures 7 and 8 illustrating housing 80. Support for the claimed "respective displacement device" as recited in claim 169 and first and second displacement devices as recited in claim 174 may be found, for example, in Figures 7 and 8 illustrating membranes 87 and 91. "Body fluid pressure transmission means" has been changed to "housing fluid pressure transmission membrane" in claims 167-169 and 173-174, support for which may be found, for example, at Figures 7 and 8 illustrating membrane 87. In addition, "head fluid transmission means" has been changed to "head fluid transmission membrane" in claims 167-169 and claim 173-174, support for which may be found, for example, in Figures 7 and 8 illustrating membrane 91.

Accordingly, Applicants respectfully submit that each claim limitation is shown in the drawings, and request the Examiner to reconsider and withdraw the objection to the drawings.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicants have amended claims 198, 100, 102, 129, 167-169, 173, and 174 to more appropriately define the present invention and, *inter alia*, to overcome the rejections by the Examiner. Specifically, Applicants have deleted the claim language "or polishing" and "mechanical arrangement" has been changed to "mounting arrangement." Accordingly, Applicants respectfully request the Examiner to withdraw this rejection of claims 98-113, 129-131, 135, and 167-175. Further, because the Examiner has indicated that claims 98-113, 129-131, 135, and 167-175 would be allowable if rewritten or amended to overcome the rejection under §112, second paragraph, claims 98-113, 129-131, 135, and 167-175 are in immediate condition for allowance.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
David Soliz
Reg. No. 39,731
for Jeffrey A. Berkowitz
Reg. No. 36,743

Dated: April 8, 2004